IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 8TH JUNE 2007 / 18TH JYAISHTA 1929

WP(C).No. 17690 of 2007(E)

OA.1531/1998 of DEBT RECOVERY TRIBUNAL, ERNAKULAM

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PETITIONER:

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1. S. HARI MURALI, S/O.SREEDHARA PANICKER,
   T.C.24/803, THYCAUD, THIRUVANANTHAPURAM-14.

2. M/S. GANESH STORES,
   REPRESENTED BY ITS PARTNER, S.HARI MURALI,
   THYCAUD, THIRUVANANTHAPURAM-14.

BY ADV. SRI.M.RAMASWAMY PILLAI
SRI.P.M.JOSEPH

RESPONDENTS:

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1. UNION OF INDIA,
   REPRESENTED BY FINANCE SECRETARY, NEW DELHI.

2. DEBT RECOVERY APPELLATE TRIBUNAL,
   INDIAN BANK BUILDING, ETHIRAJ COLLEGE ROAD,
   CHENNAI REPRESENTED BY ITS REGISTRAR.

3. DEBT RECOVERY TRIBUNAL, ERNAKULAM,
   REPRESENTED BY ITS REGISTRAR.

4. RECOVERY OFFICER,
   DEBT RECOVERY TRIBUNAL, ERNAKULAM.

5. THE KARNATAKA BANK LTD.,
   REPRESENTED BY ITS SENIOR MANAGER,
   TRIVANDRUM BRANCH, MUTHU PAPPA BUILDING,
   THAKARAPARAMBU ROAD, PAZHAVANGADI,
   THIRUVANANTHAPURAM.

6. SMT.A.K.SANGEETHA,
   PARTNER, M/S. GANESH STORES, W/O. S.HARI MURALI,
   T.C.24/803, 890, VINDAVAN, AMIRTHA HOTEL COMPOUND,
   THYCAUD, THIRUVANANTHAPURAM-14.

R1 BY ADV. SRI.AJITH KRISHNAN, CGSC
R5 BY ADV. SRI.SRIHARI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.17690 of 2007

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Dated this the 8th day of June, 2007.

JUDGMENT

Prayer is only for time for compliance with DRAT's order by which the Tribunal ordered payment of Rs.20 lakhs in two instalments, the second of which was payable on 16.3.2007. Since sale is not so far notified, I feel one more opportunity can be granted to the petitioners to deposit the balance amount, more so, since petitioners has already paid Rs.12 lakhs. The W.P. is accordingly disposed of granting time to the petitioners till 30.6.2007 to pay the balance amount in terms of Ext.P4 order of the DRAT. If payment is made by 30.6.2007, DRAT will entertain the appeal, hear the parties and dispose of the same within four months thereafter. There will be direction to the respondents to withhold sale proceedings till 30.6.2007 and if Rs.8 lakhs is paid making the total payment to Rs.20 lakhs in terms of DRAT's order, then recovery proceedings will be kept in abeyance for four months thereafter. Recovery after disposal of appeal will be based on orders of DRAT.

C.N.RAMACHANDRAN NAIR
Judge

pms